29.(AMENDED) The wireless device of claim 26 wherein the controller is further programmed to:

d) terminate transmission of the stored message when a key of the wireless device is activated.

30. A wireless device comprising:

a keypad;

a transducer;

a transceiver;

a memory, the memory storing a message; and

a controller programmed to:

a) initiate a call from the wireless device in response to a key stroke; and

b) combine the stored message with an audio signal from the transducer and transmit the combined signal simultaneously through the transceiver when the call is established.

REMARKS

Reconsideration of the application is requested.

Claims 3 and 25 are cancelled without prejudice.

Claims 3, 16 and 26 were rejected under 35 USC Section 103 as being unpatentable over Alpert. The rejection is respectfully traversed. The Examiner states that it would have been obvious for one of ordinary skill in the art to include a time delay circuit in a cellular phone as disclosed in Alpert. However, there is no suggestion of this in Alpert. The Examiner's conclusion fails to meet the requirements for a *prima facie* case of obviousness, as the reference provides no motivation for the Examiner's conclusion.

Claim 4 was rejected under 35 USC Section 102 as being anticipated by Alpert. This rejection is also traversed. In order to anticipate the claimed invention, the reference must include every limitation of the claim. However, Alpert fails to disclose not sending the message if audio signals are detected as being picked up by the wireless device

microphone. Accordingly, Alpert does not anticipate the claimed invention, nor render it unpatentable.

Claims 5 and 30 were rejected under 35 USC Section 103 as being unpatentable over Alpert in view of Oh. The Examiner states that "Oh discloses a cordless phone that comprises a step of sending a prerecorded message along with the audio." However, Oh discloses opening the microphone subsequently to transmission of a prerecorded message. Accordingly, Oh teaches away from the claimed invention, and the combination fails to show or suggest the claimed invention.

Claims 6 and 25 were rejected under 35 USC Section 102 as being anticipated by Alpert. However, Alpert does not show or suggest responding to a command received from a base to retransmit a message. Accordingly, Alpert does not anticipate or suggest the claimed invention.

Claim 11 was rejected under 35 USC Section 103 as being unpatentable over Alpert in view of Oh. However, neither Alpert nor Oh shows or suggests recording a digital signature for transmission. Accordingly, the references can not render the claims unpatentable.

Claim 12 was rejected under 35 USC Section 102 as being anticipated by Alpert. However, Alpert does not disclose terminating playback of the message if audio is detected. Accordingly, Alpert can not anticipate the claimed invention.

Claim 14 was rejected under 35 USC Section 102 as being anticipated by Alpert. However, Alpert does not disclose storing audio from a microphone upon initiation of a call for replaying the audio upon establishing the call. Accordingly, Alpert can not anticipate the claimed invention, let alone the further structure of the claims dependent therefrom.

Claim 27 was rejected under 35 USC Section 102 as being anticipated by Alpert. However, Alpert fails to disclose reallocating memory to store audio detected after initiation of call for transmission during the call. Accordingly, Alpert can not anticipate the claims.

Accordingly, it is respectfully submitted that the claims define allowable subject matter and are in condition for allowance. A Notice of Allowance is solicited.

Respectfully Submitted

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CLAIMS WITH DELETIONS AND INSERTIONS

IN THE CLAIMS

Please cancel claims 3 and 25 without prejudice.

1.(AMENDED) A method for sending a message [from a wireless device] stored in memory associated with the wireless device, comprising:

a) [storing the message in a memory associated with the wireless device;

b)] initiating a call from the wireless device;

b) initiating a timer when the call is established; and

c) sending the stored message from the wireless device when a predetermined time has elapsed on the timer [when the call is established].

2.(NOT AMENDED) The method of claim 1, further comprising:

d) sending position data from the wireless device when the call is established.

3.(CANCELLED)

4.(AMENDED) [The method of claim 1, wherein step c) comprises the step of:] A method of sending a message stored in memory associated with a wireless device, the wireless device including a microphone, the method comprising the steps of:

a) initiating a call from the wireless device;

b) monitoring the microphone for audio signals; and

c) sending the stored message from the wireless device after a call is established; and

d) not sending the stored message from the wireless device if [no] audio signals are detected being picked-up by [a] the microphone of the wireless device.

5.(AMENDED) [The method of claim 1, wherein step c) comprises the step of:] A method of sending a message stored in memory associated with a wireless device, the wireless device including a microphone, the method comprising the steps of:

a) initiating a call from the wireless device;

b) monitoring the microphone for audio signals;

c) sending the stored message from the wireless device after a call is established; and

d) adding audio signals picked-up by [a] the microphone of the wireless device into the stored message and sending the resultant [sum] combined signal.

6.(AMENDED) [The method of claim 1, further comprising:] A method of sending a message stored in memory associated with a wireless device, the wireless device including a microphone, the method comprising the steps of:

a) initiating a call from the wireless device to a base;

b) sending the stored message from the wireless device to the base after a call is established;

c) detecting a command received from the base; and

d) resending the stored message from the wireless device [when a command is detected on a downlink channel] responsive to detecting the command received from the base.

7.(AMENDED) The method of claim [1] 6, wherein step [b)] a) comprises [the step of:]

[d)] detecting actuation of a speed-dial key and initiating [a] the call from the wireless device [by depressing a] in response to detecting actuation of the speed-dial key

8.(AMENDED) The method of claim [1] 5, [wherein step a) comprises the step of:] and further including the step of [d)] storing an audio message picked-up from a microphone of the wireless device in a memory associated with the wireless device after initiating the call.

9.(AMENDED) The method of claim [1] 5, [wherein step a) comprises the step of:] further including the step of [d) pre]storing a data message in a memory associated with the wireless device.

10.(UNAMENDED) The method of claim 9, wherein the data message is part of a radio repertoire.

11.(AMENDED) [The method of claim 9, wherein] A method of sending a message stored in memory associated with a wireless device, the wireless device including a microphone, the method comprising the steps of:

[c)] a) storing a data message in the memory, the data message include[es]ing a digital signature;

b) initiating a call from the wireless device to a base; and

c) sending the stored message from the wireless device to the base after a call is established.

12.(AMENDED) [The method of claim 1, wherein step c) comprises the step of:] A method of sending a message stored in memory associated with a wireless device, the wireless device including a microphone, the method comprising the steps of:

a) initiating a call from the wireless device;

b) monitoring the microphone for audio signals;

c) sending the stored message from the wireless device after a call is established; and

d) terminating sending the stored message when an audio signal is picked-up by a microphone of the wireless device.

13.(AMENDED) The method of claim 1, [wherein step c) comprises the step of:] further including [d)] terminating sending the stored message when a key of the wireless device is activated.

14.(AMENDED) A method for sending a message from a wireless device, including a microphone, the method comprising the steps of:

a) initiating a call from the wireless device;

b) storing [the a message,] audio detected by the microphone upon initiating the call in a memory associated with the wireless device [when the call is initiated]; and

c) [once] upon establishing the call [is established], sending the audio that was stored upon initiating the call [message from the wireless device].

15.(NOT AMENDED) The method of claim 14, further comprising:

d) sending position data from the wireless device once the call is established.

16.(AMENDED) The method of claim 14, wherein step c) comprises the step of:

d) sending the stored message if [audio] voice signals are not [picked] detected [by a] via the microphone of the wireless device within a predetermined time after the call is established.

17.(AMENDED) The method of claim 14, wherein step c) comprises the step of:

d) terminating sending the stored message if audio signals are [picked up by a] detected via the microphone of the wireless device.

18.(NOT AMENDED) The method of claim 14, wherein step c) comprises the step of:

d) terminating sending the stored message when a key of the wireless device is activated.

19.(NOT AMENDED) The method of claim 14, further comprising:

d) resending the stored message from the wireless device when a command is detected on a downlink channel.

20.(NOT AMENDED) The method of claim 14, wherein step a) comprises the step of:

d) initiating a call from the wireless device by depressing a speed-dial key.

21.(NOT AMENDED) The method of claim 14, wherein step b) comprises the step of:

d) storing the message picked-up from a microphone of the wireless device in a memory associated with the wireless device.

22.(NOT AMENDED) The method of claim 14, wherein step b) comprises the step of:

d) if necessary, reallocating the memory to store the message.

23.(AMENDED) A wireless device comprising:

a keypad;

a transceiver;

a memory, a message stored in the memory; and

a controller programmed to:

a) [store a message in the memory;

b)] initiate a call from the wireless device in response to a predetermined key stroke; [and]

[c)]b) transmit the stored message through the transceiver to a base when the call is established; and

c) retransmit the stored message through the transceiver when a command is received from a base through the transceiver.

24.(NOT AMENDED) The wireless device of claim 23, further comprising:

a geolocation receiver for determining position data for the device; and

the controller further programmed to:

d) transmit the position data through the transceiver when the call is established.

25.(CANCELLED)

26.(AMENDED) [The wireless device of claim 23, wherein the controller is further programmed to:] A wireless device comprising:

a keypad;

a transceiver;

a memory, a message stored in the memory; and

a controller programmed to:

a) initiate a call from the wireless device in response to a key stroke;

b) intitiate a timer when the call is established; and

[d)]c) transmit the stored message through the transceiver after a predetermined time has elapsed on the timer from when the call [is] was established.

27.(AMENDED) [The wireless device of claim 23, wherein the controller is further programmed to:] A wireless device comprising:

a keypad;

a transceiver;

a memory, a message stored in the memory; and

a controller programmed to:

a) initiate a call from the wireless device in response to a key stroke;

b) storing audio picked up by a microphone after initiating the call;

b) transmit the stored message through the transceiver to a base when the call is established; and

[d)]c) reallocate [the] memory to store [the message] the audio picked up by the microphone after initiating the call.

28.(AMENDED) The wireless device of claim [23,] 26 wherein the controller is further programmed to:

d) terminate transmission of the stored message when a voice signal is picked-up by a microphone of the wireless device.

29.(AMENDED) The wireless device of claim [23,] 26 wherein the controller is further programmed to:

d) terminate transmission of the stored message when a key of the wireless device is activated.

30. A wireless device comprising:

a keypad;

a transducer;

a transceiver;

a memory, the memory storing a message; and

a controller programmed to:

a) [store a message in the memory;

b)] initiate a call from the wireless device in response to a key stroke; and

[c)]b) combine the stored message with an audio signal from the transducer and transmit the combined signal simultaneously through the transceiver when the call is established.